

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 12 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

MIGUEL RAMOS-CHAVEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 03-72199

Agency No. A91-453-718

MEMORANDUM*

On Petition for Review of an Order of the
Bureau of Immigration Appeals

Submitted December 9, 2005**
San Francisco, California

Before: KOZINSKI and W. FLETCHER, Circuit Judges, and HOLLAND,**
Senior District Judge.

Miguel Ramos-Chavez, a native and citizen of Mexico, petitions for review

* This disposition is not appropriate for publication and may not be cited
to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral
argument.

*** The Honorable H. Russel Holland, Senior District Judge for the District
of Alaska, sitting by designation.

of the Board of Immigration Appeals' order affirming the immigration judge's denial of Ramos-Chavez's application for cancellation of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. "We review de novo whether an alien has been convicted of an aggravated felony, but our review is subject to established principles of deference to administrative agencies." Parrilla v. Gonzales, 414 F.3d 1038, 1041 (9th Cir. 2005) (internal citations omitted). Ramos-Chavez's conviction under California Penal Code § 32 is an aggravated felony because it is "an offense relating to obstruction of justice . . . for which the term of imprisonment is at least one year[.]" 8 U.S.C. § 1101(a)(43)(S); see also, In re Batista-Hernandez, 21 I. & N. Dec. 955, 961-62 (BIA 1997). Because Ramos-Chavez has been convicted of an aggravated felony, he is not statutorily eligible for cancellation of removal. 8 U.S.C. § 1229b(a)(3).

PETITION FOR REVIEW DENIED.